

APPENDIX C

Historic Resources Technical Report

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CAREY & CO. INC.
ARCHITECTURE

Post and San Pedro Tower

San Jose, California

Draft Historic Resources Technical Report

May 13, 2014 Revised May 27, 2014

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I. PURPOSE AND PROJECT DESCRIPTION

David J. Powers & Associates has requested Carey & Co.'s assistance in evaluating a project proposed for the southern portion of the block bounded by West Santa Clara Street, South San Pedro Street, Post Street, and South Almaden Avenue. There are four identified historic resources – the Sunol Building, the Market-Post Tower, the Hatman & Normandin Block and the Berger Building – located within the immediate vicinity of the project site. One additional property was previously inventoried and found not to be a historical resource – Tony's Muffler at 22-36 S. Almaden Avenue. This report provides David J. Powers & Associates and the City of San Jose with a description of the historic resources in the vicinity of the project site, as well as impacts and mitigation measures pertaining to the proposed project's potential effects on those resources.

Description of the Proposed Project

The following project description was provided by David J. Powers & Associates.

Background Information

The 1.28-acre project site consists of two parcels (APNs: 259-40-087 and -088) and is located in a developed, urban area in Downtown San José and is identified in the Downtown Strategy 2000 and Envision 2040 General Plan for intensified development. The project site has a General Plan land use designation of *Downtown* and zoning designation of *Downtown Core*. The

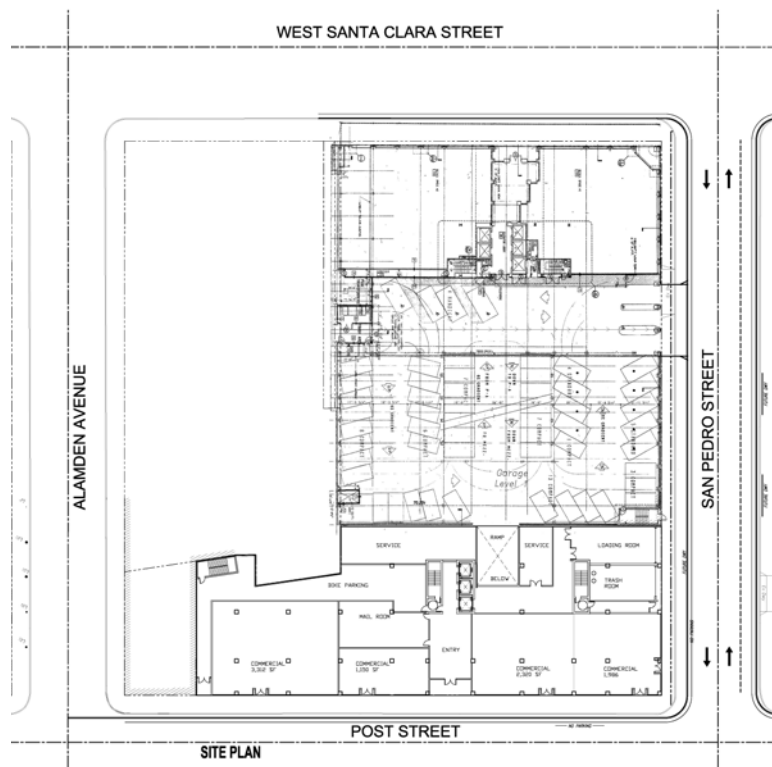
Downtown land use designation includes office, retail, service, residential, and entertainment uses in the downtown at up to 350 DU/AC and a FAR of up to 15.0 (three to 30 stories tall). The *Downtown Core* zoning designation allows for a variety of uses including residential, office, general retail, education and training (e.g., daycare), entertainment, food services, health and veterinary services, and transportation (e.g., parking).

The northern 0.81-acre parcel (APN 259-40-087) is currently developed with a 13-story office building with ground floor retail and parking garage. The southern 0.47-acre parcel (APN 259-40-088) is currently developed with a surface parking lot and associated infrastructure, including light poles and fencing. There are also two billboards located on the southern parcel along the western site boundary.

The project proposes to redevelop the southern parcel with residential and commercial/retail uses. The project includes a parking garage on the southern parcel that would connect to the existing parking garage on the northern parcel. Because the parking facilities between the proposed residential and commercial/retail uses and existing office building would be shared, the northern parcel is considered part of the project site.

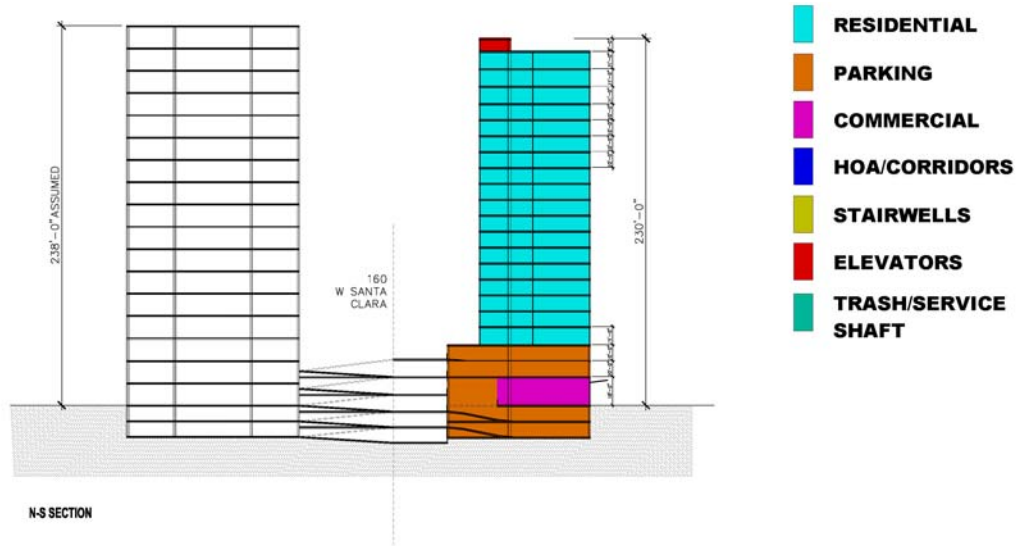
Project Overview

The project proposes to develop up to 182 residential dwelling units and up to 10,000 square feet (SF) of commercial/retail uses in a 21-story (up to 230 foot tall) tower on the southern portion of the project site (APN 259-40-088), consistent with the existing General Plan and zoning designations. The residential density of the project would be 142 dwelling units per acre (DU/AC). The existing billboards on-site would be removed as a result of the project. Relocation of the billboards is not proposed.



Drawing 1: Site Plan.

A conceptual site plan of the proposed project is shown on Drawing 1. The proposed mixed-use tower would be constructed on a podium with the commercial/retail uses on the ground floor and parking provided in two levels below grade and three levels above grade on floors 1-3. The proposed residential units would be located in the upper 18 floors above the retail and parking. Common outdoor areas are proposed at the podium level on the fourth floor and on the 20th floor (refer to Drawings 2 and 3, the conceptual cross-section).

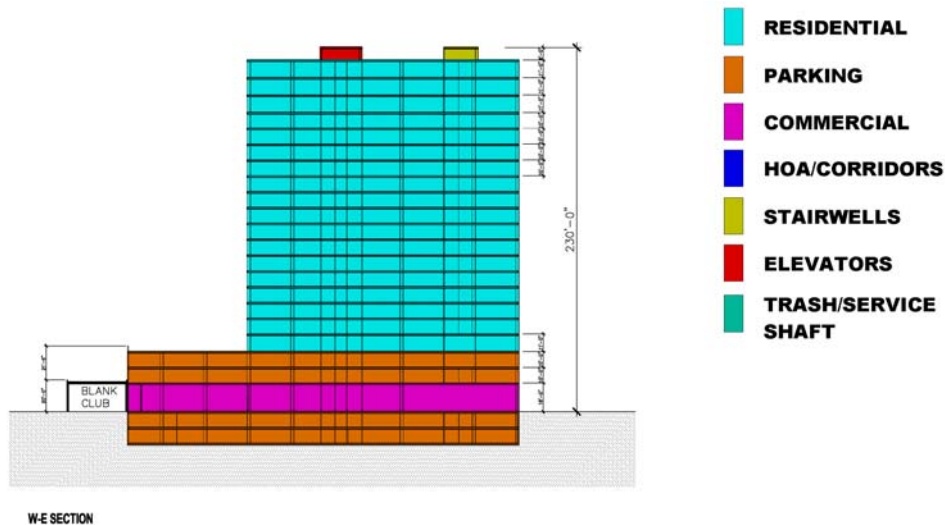


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POST SAN PEDRO TOWER

N-S SECTION

Drawing 2: Conceptual cross-section.



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POST SAN PEDRO TOWER

W-E SECTION

Drawing 3: Conceptual cross-section.

No changes to the existing office building on-site are proposed and minimal changes to the existing parking garage are proposed. Therefore, the description of the project and analysis of impacts in this Initial Study are focused on the changes to the southern parcel.

The primary project components, including the proposed residential units, commercial/retail uses, common outdoor areas and landscaping, and site access and parking, are described in the following section.

Project Components

Residential Units

The project proposes to construct up to 182 residential dwelling units on the southern parcel. As shown on Drawings 2 and 3, the conceptual cross-section, the residential units are proposed above the podium structure, on floors four through 21. The units would include one to three bedroom units, ranging from 640 to 2,580 SF in size.

Commercial/Retail Uses

The project includes up to 10,000 SF of commercial/retail space on the southern parcel. As shown in Drawing 1, the commercial/retail uses are proposed on the ground floor of the building fronting Post Street and San Pedro Street. The proposed commercial/retail uses on-site would be consistent with the DC – *Downtown Core* zoning district and could include office, general retail, education and training (e.g., daycare), entertainment, food services, and/or health and veterinary services.

Common Outdoor Areas and Landscaping

Common outdoor areas with landscaping are proposed on the podium level (fourth floor) and on the 20th floor (see Drawings 2 and 3, the conceptual cross-section). The common outdoor area proposed on the podium level would be approximately 6,800 SF in size and could include a covered patio, which would overlook Post Street, and landscaping and seating areas. The common outdoor area on the 20th floor would be approximately 750 SF in size and could include a deck with landscaping and seating areas. Additional landscaping, including street trees, would be planted on the perimeter of the project site along the Post Street and San Pedro Street frontages.

Site Access and Parking

Pedestrian access to the project site would be via existing sidewalks along the project site perimeter on San Pedro Street and Post Street. The lobby entrance for the residential units would be located on Post Street.

It is proposed that the parking facilities for the residential, commercial/retail, and existing office building on-site be shared. Vehicular access to the proposed residential and commercial/retail development would be provided via the existing driveway on San Pedro Street into the office building parking garage. The existing office building parking garage includes three levels above grade, one level partially below grade, and two levels below-grade. The parking garage for the proposed residential and commercial/retail uses would be constructed to abut and connect to the existing office parking structure. The residential and commercial/retail parking garage would connect to the office building parking garage at each level and share ramps.

The parking for the residential units would be provide on-site in two levels of below grade and three levels above grade on floors 1-3. Consistent with the City's Downtown parking

requirements, the project would provide one parking space per unit. The project also proposes to provide one bicycle parking space per unit and an additional 20 bicycle parking spaces for the commercial/retail uses in the parking garage.

Details regarding the parking demand and supply for the project (including the existing office use on-site).

The six existing on-street parking on San Pedro Street would be eliminated under the proposed project to accommodate sidewalk improvements. No on-street parking along the project site frontage on Post Street is proposed.

Public Right-of-Way Improvements

The project proposes the following sidewalk improvements:

- A 14-foot wide attached sidewalk with tree wells and street lighting along San Pedro Street from West Santa Clara Street to Post Street, which will be accomplished through eliminating the street parking and adjusting the curb line; and
- A 12-foot wide attached sidewalk with tree wells and street lighting along Post Street from San Pedro Street to South Almaden Avenue, which would be accomplished through adjusting the curb line.

No dedication of right-of-way (ROW) is required for the above described sidewalk improvements. Street furnishing, such as bike racks, trash receptacles, and kiosks, would be incorporated in the design of the sidewalk improvements.

The project also proposes to remove and replace the handicap ramp located at the northwest corner of San Pedro Street and Post Street with a new ADA compliant ramp. The existing curb ramps at the corners of Santa Clara Street/San Pedro Street and Post Street/South Almaden Avenue would be modified as a result of the curb line adjustments.

Based on the City's review of the existing roadway pavement conditions during the permit phase of the project, the project may be required to rehabilitate the asphalt pavement either through an overlay or structural section replacement.

No other modifications within the street ROW are proposed.

Utility Improvements

The project requires connections to existing utilities in the area to serve the proposed residential and commercial/retail uses. The project includes new on-site water, sewer, and storm drain pipes which would connect to existing water, sewer, and storm drain mains/lines in the project area. The project also includes on-site features to treat stormwater runoff prior to discharge to the City's stormwater system.

In addition, the existing overhead utility lines would be placed in an underground joint trench as part of the project property frontage improvements.

Green Building Measures

The residential and commercial/retail development would be designed to achieve, at minimum, LEED Certified by incorporating a variety of design features including community design and planning, site design, landscape design, building envelope performance, and material selections.

II. METHODOLOGY

Carey & Co. prepared this evaluation by conducting a reconnaissance level survey of the area properties, taking photographs, and conducting archival research concerning the general area. A site visit was carried out on March 19, 2014. During the site visit Carey & Co. evaluated the existing conditions, historic features, and architectural significance of the buildings in the immediate vicinity of the project site. Carey & Co. also conducted archival research on the general history of the area, using Sanborn Fire Insurance Maps, San Jose City Directories, historical photographs and newspaper articles, as well as historical references such as Clyde Arbuckle's *History of San Jose* and Jack Douglas' *Historical Highlights of Santa Clara Valley*.

III. SUMMARY OF FINDINGS

Four buildings in the project area are currently listed in the City of San Jose's Historic Resources Inventory (HRI). All of these buildings appear to retain sufficient integrity to merit their continued listing. Carey & Co. determined that there is one additional building within the immediate vicinity of the project site that could be a potential historic resource, the Greyhound Bus Station. The proposed project has the potential to adversely impact these historic resources. However, the report recommends mitigation measures that would reduce these impacts to a less than significant impact to the historic resources.

IV. HISTORIC RESOURCES IN THE PROJECT AREA

The project area includes all the buildings on the same block as the project, and the buildings directly across the street from the project site. Four of the buildings within the project area are currently listed in the City of San Jose Historic Resources Inventory (HRI):

- 1) Sunol Building (1895), 127-145 Post Street – City Landmark Structure
- 2) Market-Post Tower (1985), 55 S. Market Street – Candidate City Landmark
- 3) Hatman & Normandin Block (1891), 14-16 S. Almaden Avenue – Structure of Merit
- 4) Berger Building (1935), 44 S. Almaden Avenue – Structure of Merit

Previously surveyed, Tony's Muffler was determined not to be a historic resource.

- 5) Tony's Muffler (c. 1920), 22-36 S. Almaden Avenue

Carey & Co. reviewed the evaluation sheets for each property and verified the resources on the HRI, in the project area, retain sufficient integrity to merit their continued listing. For the one structure found not eligible as a historical resource, Carey & Co. reviewed the existing documentation to confirm the building did not meet requirements to be listed in HRI or the California Register of Historical Resources (CRHR).

The following five buildings are not listed in the HRI:

- 6) Greyhound Bus Station (1957), 70 S. Almaden Avenue
- 7) Duc Phuc Restaurant (c.1940), 194 and 198 W. Santa Clara Street
- 8) Myth Taverna (1933), 152 Post Street
- 9) 160 W. Santa Clara Street (1988)
- 10) Lee Yick Laundry & Cleaners (1967), 184 W. Santa Clara Street

Carey & Co. researched the history of each non-HRI property and determined there is one additional building, within the immediate vicinity of the project site, which may qualify for HRI listing – the Greyhound Bus Station. This determination was made after review of Sanborn maps, building permits, building plans, city directories and aerial photographs, and after the building's integrity was assessed. Based on review of historical documents three buildings in the project area are over 50 years of age: Duc Phuc Restaurant building at 194 and 198 W. Santa Clara Street, the Myth Taverna at 152 Post Street and the Greyhound Bus Station at 70 S. Almaden Ave. The Duc Phuc Restaurant building was constructed c. 1940,¹ while the structure housing Myth Taverna was built in 1933 according to the building permits and Sanborn maps. These two buildings, though, have been extensively modified over the years and no longer retain sufficient integrity to convey any historic significance. The Greyhound Bus Station was constructed in 1957 according to building permits. The building reflects the modern style in which it was designed. The prominent architecture firm Skidmore, Owings & Merrill is credited with the design. While the bus station is one of their less significant designs, within the San Jose area it is noteworthy.

Historical Context of Project Area

The City of San Jose developed around the pueblo of San Jose which was, in the 1790s, between First Street and the *acequia*, a waterway connecting to the Guadalupe River. Many of the structures associated with the pueblo would be located around what is today Market Street, San Pedro Street and Santa Clara Street, with pueblo lands extending to St. James Street to the north and to William Street to the south. By the 1850s the commercial district of the growing community centered at the intersection of Market and Santa Clara Streets. Surrounding this hub of commerce were agricultural lands to the north and east with residential development extending out from the commercial district.²

The parcel of land on which the Sunol Building is located was originally the site of the *juzgado* that served Mexican San Jose. This was a public building that acted as the pueblo's town hall, courthouse, jail and school. The *juzgado* was constructed in 1798 and later removed from the site (purportedly by Pedro de Saisset). The *juzgado* was reconstructed at another location.³ Juana Pacheco in the middle to late 1800s owned the property. Pacheco resided in an adobe dwelling on the lot and also owned a one-story commercial building that fronted onto Market Street on the east side of the lot. A windmill was located at the intersection of Market and Post Streets in the mid-1800s. It pumped water into a cistern for use by the fire department.⁴

Pedro De Saisset was a Frenchman who had come to California in 1849 in response to a revolution occurring in his native country. Upon first arriving, he owned a dairy farm in the

¹ The 1932 Sanborn map shows three buildings located at the corner of W. Santa Clara Street and S. Almaden Ave. where 194 and 198 W. Santa Clara Street are located today. The 1939 Sanborn map indicates the corner lot is vacant. The 1950 map shows two buildings are on the site.

² Laffey, Glory Anne, *Historical Overview and Context for the City of San Jose*, Archives and Architecture, March 30, 1992, 12-13.

³ Arbuckle, 34.

⁴ Laffey, Glory Anne, 14-15.

Alviso area and engaged in the hide-and-tallow trade. As a prominent citizen of San Jose, he also served as the French Vice-Consul and worked in the real estate and insurance businesses. He founded the Brush Electric Company, which was responsible for erecting the San Jose Light Tower in 1882. In the late 1850s, De Saisset married Jesusita Palomares de Sunol, the widow of Jose Sunol. Through this marriage and the adoption of Jesusita's three children, De Saisset became associated with the prominent Sunol family, which was best known for owning a large rancho in Alameda County.⁵

Pedro de Saisset developed his portion of the property in downtown San Jose by constructing a commercial building at the corner of Market and Post Streets, which housed a wagon-making, horse-shoeing and blacksmith business. Over the years, various other buildings rose on the surrounding property. Around 1884, a wood frame commercial building was constructed next to Pacheco's adobe house. By 1887 this building was used as a dwelling, while the adobe was used as a store. Another dwelling was built fronting Post Street in 1890. In 1893, the southwest portion of the property changed hands from Pacheco's nieces to their sister (Pedro de Saisset's wife) and her two daughters. It was on this parcel that the Sunol Building would later be constructed.⁶

With the city's population growing, the business district expanded to the east to First Street and to the south several blocks. By the 1870s shops opened along Santa Clara Street. As new businesses came into the city, new multi-story buildings replaced the one or two-story structures that operated in the commercial center of the city. By 1900 the street grid extended beyond the original city limit which was established in 1850. Subdivisions outside of the downtown area thrived as the transportation network expanded to reach the growing neighborhoods. The first civic buildings of San Jose were established in the immediate vicinity of the old pueblo area. Over the years numerous structures served as civic buildings before the Civic Center was moved north of the business district in the 1950s.⁷

The following buildings are listed in the Historic Resources Inventory:

Sunol Building

This section on the Sunol Building was taken from Market Street Condominiums Draft Historic Resources Technical Report prepared in 2007 by Carey & Co.

The Sunol Building is a two-story, Romanesque style, brick structure with a flat parapet roof. It is rectangular in plan and has storefront windows on the south elevation and southwest corner at the first story level. The primary window type is one-over-one, double-hung, wood sash in a round arched opening.

The Sunol building was constructed in 1895 on the western half of the de Saisset family's property, at the corner of S. San Pedro and Post Streets. While the portion of the parcel on which the Sunol Building was erected was actually owned by Pedro De Saisset's wife and two step-daughters, he orchestrated the construction of the building. Dolores Sunol, one of De Saisset's step-daughters, took a leading role in financing the construction and the building was named the Sunol Building in her honor.⁸

⁵ Ibid., 16.

⁶ Ibid.

⁷ Laffey, Glory Anne, *Historical Overview and Context for the City of San Jose*, Archives and Architecture, March 30, 1992, 13.

⁸ Laffey, 17

Architect William D. Van Siclen designed the Sunol building. Van Siclen began his career in 1888, at the age of 23, as a carpenter and architect. He mostly designed houses however he did work on a few commercial buildings in San Jose. Aside from the Sunol Building, only the Tognazzi Building on N. First Street still stands. Van Siclen had an office on East Santa Clara Street and resided in a house of his own design on today's Hester Avenue. Van Siclen left San Jose in 1899 or 1900, shortly after the construction of the Sunol Building.⁹

The Sunol Building reportedly utilized a portion of the original *juzgado's* foundation in its construction. Construction began in 1895, after a party wall agreement was reached between Dolores Sunol and Anne Colombet, the owner of the neighboring property to the north. The agreement outlined the fact that a brick building would be erected with its north wall sitting directly on the property line between the two properties. The agreement stipulated that the wall was to be one story high and made of brick with a concrete foundation and no windows. Colombet and Sunol shared the cost of construction for the party wall. The Sunol Building was probably originally designed to be a one story structure, but a diary of the project records the fact that Van Siclen was consulted on the addition of a second story, which was later added to the project. The front façade of the building was clad in Gladding McBean terra cotta. Work was finished in August of 1895.¹⁰

The building contained two shops on the first floor and rooms on the second floor. The first tenants of the building were the Darimon Store and a saloon owned by John Blanchon, while the second floor was used as a lodging house. By 1902, Miss Jennie Flores operated the lodging house. The building came under the sole ownership of Dolores Sunol in 1904, after her mother and sister deeded their shares to her. Dolores died in 1910 and the building was left to her half-sister, Isabel de Saisset, who, along with her sister Henriette, was co-owner of the Alcantara Building.¹¹

Between 1910 and 1915, the second floor of the Sunol Building was joined to that of the adjacent Alcantara Building. It was used as a part of the Hotel Metropole, which operated out of the latter building. In the 1930s, however, the Sunol Building was separate from the hotel once again and "Elk Rooms" were located on the second floor while a second hand store and used furniture store were located on the ground floor. The building stood largely vacant in the 1940s, though the second hand store continued under different ownership. By the 1950s, the second floor had been taken over by a Spanish radio station. By the 1960s, the second floor and one of the first floor stores housed Joe's Card Club and in the 1970's Joe's Café was established in the second store space. It is assumed that the card club and café were associated businesses and were owned by Joe Yeargains, who owned the Sunol Building from the late 1950s to the early 1980s.¹²

⁹ Laffey, 18.

¹⁰ Laffey, 18-20.

¹¹ Laffey, 22.

¹² Laffey, 17-22.



Figure 1. The Sunol Building viewed from across San Pedro Street.

Market-Post Tower

The Market-Post Tower is a 15-story modern office building constructed in 1985. It has a rectangular plan with a flat roof and is clad in gold-reflective glass. The exterior walls of the first three floors are slightly inset and clad in concrete. Rows of black spandrel glass breakup the gold-reflective glass on the sides of the building. Each corner of the building is angled and the top floor is slightly set back from the main façade. The postmodern style in which the building was designed has led it to be listed on the City's HRI. The tower is commonly known as the Gold Building, but in the past it was known as the "Bumblebee." Local architect David Takamoto designed the building which currently houses the Internal Revenue Service.¹³ The site of the Market-Post Tower was once the location of the Murphy Building, which was built 1862. Martin Murphy Jr. who was a member of a pioneer family that arrived in California via wagon train in 1844 owned the property. The Murphy Building served as a courthouse from 1863 to 1868. Due to its historic significance, in 1976, the proposed demolition of the building was the subject of local controversy.¹⁴



Figure 2. The Market-Post Tower viewed from across Market Street.

¹³ Maggi, Franklin, Market-Post Tower– Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B, August 23, 2000.

¹⁴ Gilbert, 36.

Hatman & Normandin Block

The Hatman & Normandin Block is a two-story, brick, flat roof building which originally housed a carriage manufacturer. The original details of the front elevation are concealed and were possibly removed as part of a 2000 remodel of the façade.¹⁵ The façade now features stucco and built-out projections with a strong geographic pattern. The ground floor features commercial spaces with what appear to be wood storefronts and multi-lite doors. The second floor has four sets of paired single-hung windows. The original wood frames still remain, but the wood windows have been replaced with aluminum single-hung windows.



Figure 3. The Hatman & Normandin Block viewed from across S. Almaden Avenue.

The brick structure at 14-18 S. Almaden Ave. was constructed in 1891 to accommodate the Pacific Carriage Works. Established in 1874, by a woodworker F. D. Hatman and a blacksmith/ironworker A. Normandin, the business began at 411 Second Street. Five years later, the business moved to a large lot at 190-192 W. Santa Clara Street. The deep corner lot had frontage along S. Almaden Ave. (then Orchard Street). By 1888 the Pacific Carriage Works employed twelve men and was making \$20,000 per annum. All carriages were produced, trimmed and painted on site. To make way for the new two-story brick building in 1891 a single-story structure at 14-18 S. Almaden Ave. was demolished. The new building cost \$6,400 to construct and was designed by Theodore Lanzen. By 1893 Hatman & Normandin retired from carriage making, but retained ownership of the land and buildings. H. Messing & Son took over the premises and for the next nine years produced carriages on the site. After the death of Messing in 1902, F. D. Hatman returned to the carriage company and it was renamed the Messing-Hatman Carriage Company. This new partnership was short-lived and the following year Normandin's son and F. Campen bought the firm. The Normandin-Campen Carriage Company was located at 190-192 W. Santa Clara and 14-18 S. Almaden Ave. Several years later the business began selling automobiles. The Normandin-Campen Carriage Company remained in the Hatman & Normandin buildings until 1912 when it moved to a better location on the Capitol Expressway where the Normandin Chrysler dealership was established, which still operates today.¹⁶

¹⁵ Maggi, Franklin. Hatman & Normandin Block – Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B. August 23, 2000.

¹⁶ Maggi, Franklin. Hatman & Normandin Block – Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B. August 23, 2000, and H. S. Foote, *Pen Pictures from the Garden of the World, or Santa Clara County, California: Illustrated : Containing a History of the County of Santa Clara from the Earliest*

After the Normandin-Campen Carriage Company left the S. Almaden Ave. property the building functioned as a repository for carriages and automobiles on the first floor and a rooming house on the second floor. During the 1910s, the area along S. Almden Ave. was part of San Jose's Red Light District. On a map of the district the area is noted for having a brothel. The building became known as the Alma House during the 1920s and advertised furnished rooms for rent.¹⁷ The 1939 Sanborn map indicates Faith Tabernacle is located within the two-story building. Housed within the building, a decade later, according to the Sanborn map are shops. The 1962 Sanborn map notes the building still functions as shops.

While the front façade of the structure has been altered, the building was added to the HRI after the remodel because of its strong relationship to the development of the downtown commercial district and association with Hatman & Normandin.

Berger Building

The Berger Building is a one-story, Art Deco style, reinforced formed-concrete structure with a flat roof. The commercial building is divided into bays by fluted pilasters. Four bays front S. Almaden Ave. and two bays front Post Street. The main entrance to the building is on the west elevation at a recessed door. A secondary entrance is on the south elevation and is part of the storefront. Aside from the upper lites, the storefront windows between the pilasters have been enclosed. Below the storefront windows are glazed tiles. Garage doors, each with an octagonal recess above, fill the outermost bays on both elevations. The building retains much of its original character and features few changes – an enclosed door, an added window, and the enclosed partial storefronts. These changes do not impact the overall integrity of the building.



Figures 4 and 5: The Berger Building viewed from across S. Almaden Ave. (left). Octagonal window above the rolling door (right).

Constructed in 1935 by William L. Berger the one-story building housed his wholesale auto accessories business. G. M. Latta, the contractor, built the structure for \$9,000. Berger

Period of Its Occupancy to the Present Time ... : with Profuse Illustrations of Its Beautiful Scenery, Full-Page Portraits of Some of Its Eminent Men, and Biographical Mention of Many of Its Pioneers and Also of Prominent Citizens of to-Day, Chicago: Lewis Pub, Co, 1888.

¹⁷ Maggi, Franklin. Hatman & Normandin Block – Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B. August 23, 2000 and *Reflections of the Past: An Anthology of San Jose*. Encinitas, CA: Heritage Media Corp, 1996.

maintained ownership of the building into the 1970s.¹⁸ Today a night club is housed in the structure.

The following building has been surveyed, but is not eligible for listing:

Tony's Muffler – 22-36 S. Almaden Avenue

This one-story gable roof brick structure is wedge-shape in plan and was constructed c. 1920. The street elevation is clad in stucco and features three large rollup doors and two aluminum storefront windows. Originally all five bays featured wood folding doors which allowed automobiles to drive in.¹⁹ Found above each opening are square molding details. A simple stucco cornice adds detail to the building. The rear elevation features exposed brick. Attached to the roof and adorning the front elevation is a large neon “Old Orchard Street” sign. The sign recalls the past history of S. Almaden Avenue when it was called Orchard Street.



Figure 6: Tony's Muffler viewed from across S. Almaden Avenue.

The Costa family owned the property in the 1920s. During this period, Orchard Street and Post Street (formerly El Dorado Street) were part of the notorious red-light district. According to the 1932 Sanborn map the Sunshine Bakers Bake House operated out of the building. By 1950, the Sanborn map indicates an auto repair and spray painting garage functioned within the structure. The building has primarily functioned as one type of auto repair shop or another over the years.

The remaining five properties were reviewed for eligibility as potential historic resources in the evaluation section of this report. See section VI.

¹⁸ Maggi, Franklin. Berger Building – Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B. August 23, 2000 and 1930, 1940 United States Census, *San Jose City Directory*, 1972.

¹⁹ Laffey, Glory Anne, URM Survey, 20-34 Almaden Ave. – Department of Parks and Recreation Building, Structure, and Object Record, State of California, DPR 523B. December 10, 1991.

V. REGULATORY FRAMEWORK

The regulatory background provided below offers an overview of federal, state and local criteria used to assess historic significance. As mentioned above, there is only one additional building within the immediate vicinity of the project site that may satisfy the criteria for historic significance at the local level, but not at the state or national levels.

Federal Criteria

National Register Bulletin Number 15, *How to Apply the National Register Criteria for Evaluation*, describes the Criteria for Evaluation as being composed of two factors. First, the property must be “associated with an important historic context.”²⁰ The National Register identifies four possible context types, of which at least one must be applicable at the national, state, or local level. As listed under Section 8, “Statement of Significance,” of the National Register of Historic Places Registration Form, these are:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B. Property is associated with the lives of persons significant in our past.
- C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D. Property has yielded, or is likely to yield, information important to prehistory or history.²¹

Second, for a property to qualify under the National Register’s Criteria for Evaluation, it must also retain “historic integrity of those features necessary to convey its significance.”²² While a property’s significance relates to its role within a specific historic context, its integrity refers to “a property’s physical features and how they relate to its significance.”²³ To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity:

Location is the place where the historic property was constructed or the place where the historic event occurred...

Design is the combination of elements that create the form, plan, space, structure, and style of a property...

Setting is the physical environment of a historic property...

²⁰ National Park Service, National Register Bulletin 15, 3.

²¹ National Park Service, National Register Bulletin 16A, 75

²² National Park Service, National Register Bulletin 15, 3.

²³ Ibid, 44.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property...

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory...
Feeling is a property's expression of the aesthetic or historic sense of a particular period of time...

Association is the direct link between an important historic event or person and a historic property.²⁴

Since integrity is based on a property's significance within a specific historic context, an evaluation of a property's integrity can only occur after historic significance has been established.²⁵

State Criteria

California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: A Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register are very similar, with emphasis on local and state significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.²⁶

Like the NRHP, evaluation for eligibility to the California Register requires an establishment of historic significance before integrity is considered. California's integrity threshold is slightly lower than the federal level. As a result, some resources that are historically significant but do not meet NRHP integrity standards may be eligible for listing on the California Register.²⁷

California's list of special considerations is shorter and more lenient than the NRHP. It includes some allowances for moved buildings, structures, or objects, as well as lower requirements for

²⁴ Ibid, 44-45.

²⁵ Ibid, 45.

²⁶ California Office of Historic Preservation, Technical Assistance Series 6, 1.

²⁷ Ibid, 1.

proving the significance of resources that are less than 50 years old and a more elaborate discussion of the eligibility of reconstructed buildings.²⁸

In addition to separate evaluations for eligibility to the California Register, the state will automatically list resources if they are listed or determined eligible for the NRHP through a complete evaluation process.²⁹

California Historical Resource Status Codes

The California Historic Resource Status Codes (status codes) are a series of ratings created by the California Office of Historic Preservation (SHPO) to quickly and easily identify the historic status of resources listed in the state's historic properties database. These codes were revised in August 2003 to better reflect the many historic status options available to evaluators. The following are the seven major status code headings:

1. Properties listed in the National Register or the California Register.
2. Properties determined eligible for listing in the National Register or the California Register.
3. Appears eligible for National Register or California Register through Survey Evaluation.
4. Appears eligible for National Register or California Register through other evaluation.
5. Properties recognized as historically significant by local government.
6. Not eligible for listing or designation.
7. Not evaluated for National Register or California Register or needs revaluation.

City of San Jose Criteria

The San Jose General Plan states that: "Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process" (City of San Jose, 1994). According to the City of San Jose's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historical nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof. (Sec. 13.48.020.C)

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:

²⁸ Ibid, 2.

²⁹ All State Historical Landmarks from number 770 onward are also automatically listed on the California Register. (California Office of Historic Preservation, Technical Assistance Series 5, 1.)

- a. Of an architectural style, design or method of construction;
 - b. Of a master architect, builder, artist or craftsman;
 - c. Of high artistic merit;
 - d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
 - e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
 - f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant or uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists.

The ordinance also provides a definition of a district: “a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development.” (Sec. 13.48.020.B)

Although the definitions listed are the most important determinants in evaluating the historic value of San Jose resources, the City of San Jose also has a numerical tally system that must be used in identifying potential historic resources. The “Historic Evaluation Sheet” requires resources to be rated according to visual quality/design; history/association; environment/context; integrity; reversibility; interior quality and conditions; and NRHP/CRHR status.

A points-based rating system is used to score each building according to the extent to which it meets the criteria listed above. The final tallies are broken into two categories:

- Potential Historic Resource (evaluate for possible status as a City Landmark/California Register resource: 33+ points
- Non-Significant structure: 0-32³⁰

According to the City of San Jose’s *Guide to Historic Reports*, a City Landmark is “a significant historic resource having the potential for landmark designation as defined in the Historic Preservation Ordinance. Preservation of this resource is essential.”³¹ The list of historically significant resources in San Jose is called the “Historic Inventory List.”

California Environmental Quality Act

When a proposed project may adversely affect a historical resource, the California Environmental Quality Act (CEQA) requires a city or county to carefully consider the possible impacts before proceeding (Public Resources Code Sections 21084 and 21084.1). CEQA equates

³⁰ City of San Jose, *Revised Guidelines for Historic Reports*, 2-26-2010.
<http://www.sanjoseca.gov/DocumentCenter/Home/View/668> (accessed May 30, 2014), 13.

³¹ City of San Jose, 12.

a substantial adverse change in the significance of a historical resource with a significant effect on the environment (Section 21084.1). The Act explicitly prohibits the use of a categorical exemption within the CEQA Guidelines for projects which may cause such a change (Section 21084).

A “substantial adverse change” is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Further, that the “significance of an historic resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historical Resources;” or “demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources...” or demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

CEQA effectively requires preparation of a mitigated Negative Declaration or an EIR whenever a project may adversely impact historic resources. Current CEQA law provides that an EIR must be prepared whenever it can be fairly argued, on the basis of substantial evidence in the administrative record, that a project may have a significant effect on a historical resource (Guidelines Section 15064). A mitigated Negative Declaration may be used where all potentially significant effects can be mitigated to a level of insignificance (Section 21080). For example, a mitigated Negative Declaration may be adopted for a project which meets the Secretary of Interior’s Standards for Rehabilitation and local historic preservation regulations, and so will not adversely affect the resource.

For the purposes of CEQA (Guidelines Section 15064.5), the term “historical resources” shall include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in, the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et.seq.).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the CRHR

(Public Resources Code Section 5024.1, Title 14 CCR, Section 4800.3) as follows:

- A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- B. Is associated with the lives of persons important in our past;
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history. (Guidelines for the California Environmental Quality Act)

VI. EVALUATION

The following five properties were reviewed for eligibility as potential historic resources:

Greyhound Bus Station – 70 S. Almaden Ave.

The one-story cinder block building clad with glazed terracotta tile was constructed in 1957 to function as a bus station. The large structure (280 feet long and 115 feet deep) cost over a million dollars to build.³² Vertical aluminum members divide the building into bays. Aluminum storefront configurations face S. Almaden Ave. Today many of the storefronts are vacant. A large electric sign identifies the building and features the figure of a greyhound and the word "BUS." Buses park at the rear of the building. The rear of the structure has a large overhang to shelter waiting and disembarking passengers. Painted steel columns support the overhang. The interior features air conditioning, terrazzo floors and wide open spaces. Interior alterations to the building appear to be limited. The building is designed in a modern style and makes use of modern materials. The style of the building is best described as commercial modern. The massing of the building is horizontal, the roof is flat, the structural system is expressed on the exterior, a large sign is attached to the structure and modern cladding materials are used reflecting the commercial modern style. Credited with the design of the bus terminal is the noted American architectural firm Skidmore, Owings and Merrill.³³



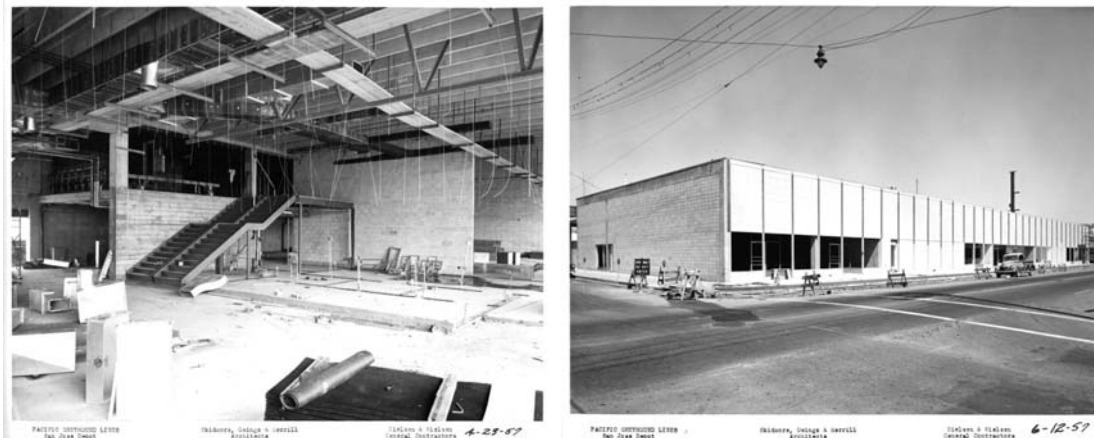
Figure 7: The Greyhound Bus Station viewed from across S. Almaden Avenue.

³² "Almaden Ave. Site is Chosen," *San Jose Mercury*, Oct. 11, 1956 and "Free Tour of City – Greyhound," *San Jose Mercury*, August 16, 1957.

³³ "Free Tour of City – Greyhound," *San Jose Mercury*, August 16, 1957.



Figures 8 and 9: The bus station under construction viewed from above S. Almaden Avenue (left). The rear of the bus station during construction, dated March 7, 1957 (right).



Figures 10 and 11: The interior of the bus station (left). The exterior of building viewed from S. Almaden Avenue at the end of construction, dated June 12, 1957 (right).



Figure 12: The completed Greyhound Bus Station.³⁴

³⁴ All black and white photographs are from University of California, *Calisphere*, Sourisseau Academy for State and Local History – San Jose Greyhound Lines Bus Depot Under Construction, <http://content.cdlib.org/> (accessed April 4, 2014).

Skidmore, Owings & Merrill

Skidmore, Owings & Merrill (SOM) is a full service architectural and engineering firm founded in Chicago in 1936. The company is one of the most prominent architectural firms in the world. Established by Louis Skidmore and Nathaniel Owings, the firm began with small projects, but within a year the office expanded to New York. The firm was selected to design the 1939-1940 New York World's Fair. Engineer John Merrill joined the business as a partner and the name was changed to Skidmore, Owings & Merrill. Known for stressing functional design and clean lines the firm's recognition grew and they soon developed their own architectural style. In 1952, the firm designed the Lever House in New York City. The International Style landmark building featured blue-green glazing between stainless steel mullions and was one of the first of its type. By the early 1950s the firm had offices in Chicago, New York, San Francisco and Portland, Oregon which housed 14 partners and over a thousand employees. The company also designed the first International Style curtain wall structure in San Francisco – the Crown Zellerbach building in 1959. SOM became one of the first architectural practices to offer interior design services alongside architectural services. Notable buildings designed by the office include the Istanbul Hilton Hotel (1955), the Chase Manhattan Bank (1961), U.S. Air Force Academy in Colorado Springs (1962), the John Hancock Center in Chicago (1971), the Sears Roebuck Tower in Chicago (1974), the Taipei 101 Tower (2004) and the Burj Dubai Tower (2008). The firm was the first to receive the American Institute of Architects award for architectural excellence in 1961. In 1996 the company received the award for the second time.³⁵

The Greyhound Bus Station does not appear to be eligible for the CRHR under Criterion 1 as the construction of the station does not relate to a historic event or trend in local, state, or national history. No persons of significance are known to be associated with the property; thus, it does not appear to be eligible for the CRHR under Criterion 2. The structure is the work of a well-known firm, Skidmore, Owings & Merrill, and is an example of a particular style. However, this building is a minor project within the firm's body of work; it is a good example of modern architecture done in San Jose by the firm. Therefore the building does not appear to be eligible for the CRHR under Criterion 3. The property is unlikely to yield information that is significant to history or prehistory and does not appear to be eligible under Criterion 4. While the property is not eligible for the CRHR it may be eligible for the HRI. The building scored a 47.74 on the City's Evaluation Tally Sheet making the bus station eligible for possible City Landmark status; therefore the structure should be considered a potential historic resource.

The Greyhound Bus Station retains all seven aspects of integrity – location, setting, design, materials, workmanship, feeling and association.

Duc Phuc Restaurant – 194 and 198 W. Santa Clara Street

The one-story stucco clad building, constructed in c. 1940, houses two commercial units. A slight parapet hides the shallow gable roof. Abutting the east elevation is the Hatman & Normandin Block. Like that building, this building has an updated façade. Aluminum storefronts punctuate the stucco cladding. The cladding and windows are all non-original, and date from well after the building's construction.

³⁵ Skidmore, Owings & Merrill LLP, <http://www.som.com/>, (accessed April 4, 2014), "Skidmore, Owings & Merrill LLP History," Funding Universe, <http://www.fundinguniverse.com/company-histories/skidmore-owings-merrill-llp-history/> (accessed April 4, 2014) and PAST Consultants, LLC, San Jose Modernism – Historic Context Statement, June 2009, 145-146.



Figure 13: The Duc Phuc Restaurant viewed from across W. Santa Clara Street.

The structure at 194 and 198 W. Santa Clara Street does not appear to be eligible for the CRHR under Criterion 1 as the construction of the building does not relate to a historic event or trend in local, state, or national history. No persons of significance are known to be associated with the property; thus, it does not appear to be eligible for the CRHR under Criterion 2. The structure is not a work of a master, does not convey high artistic value, and is not an example of a particular type of construction. Therefore the building does not appear to be eligible for the CRHR under Criterion 3. The property is unlikely to yield information that is significant to history or prehistory and does not appear to be eligible under Criterion 4.

Myth Taverna – 152 Post Street

The one-story brick building was constructed in 1933. The structure originally housed a restaurant and a shop. Two bays front Post Street and three bays from San Pedro Street. At street corner the building has an angle wall with a door which is the main entrance to the structure. The stucco clad building has a slight parapet between the pilasters that mark the bays. The pilasters project above the parapet and are capped by a point. The multi-lite windows may be original; however the original doors have been lost. It is evident in several locations that openings have been in filled. Today the building is the location for the Myth Taverna Restaurant.



Figure 14: The Myth Taverna viewed from across San Pedro Street.

The structure at 152 Post Street does not appear to be eligible for the CRHR under Criterion 1 as the construction of the building does not relate to a historic event or trend in local, state, or national history. No persons of significance are known to be associated with the property; thus, it does not appear to be eligible for the CRHR under Criterion 2. The structure is not a work of a master, does not convey high artistic value, and is not an example of a particular type of construction. Therefore the building does not appear to be eligible for the CRHR under Criterion 3. The property is unlikely to yield information that is significant to history or prehistory and does not appear to be eligible under Criterion 4.

160 W. Santa Clara Street and 184 W. Santa Clara Street

In general, regarding the newer buildings in the project area, buildings less than 50 years old can be considered historic resources only if they constitute an exceptional achievement in architecture or engineering, or are of otherwise exceptional importance. Two buildings within the project area constructed since 1964 are 160 W. Santa Clara Street and 184 W. Santa Clara Street. The 15-story office building at 160 W. Santa Clara Street was constructed in 1989. It is a typical high-rise office structure featuring large windows and is clad in stone. A one-story contemporary style commercial structure at 184 W. Santa Clara Street was built in 1967. The building was constructed as a laundry and functioned in that capacity until recently. Therefore these buildings in the project area are not architecturally exceptional, and thus are not considered historic resources at this time.



Figures 15 and 16: 160 W. Santa Clara Street viewed from across W. Santa Clara Street (left).
184 W. Santa Clara Street (right).

VII. IMPACTS AND MITIGATION MEASURES

Historical resources include properties eligible for listing on the National Register of Historic Places, the California Register of Historic Resources or a local register of historical resources (as defined at Public Resources Code §5020.1(k)). According to Public Resources Code §15064.5(b), a project would have a significant effect on an historic resource if it would “cause a substantial adverse change in the significance” of that resource. Specifically, “[s]ubstantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

The proposed project entails constructing a 21-story mixed use tower at the corner of Post and San Pedro Streets. The project involves the construction of a towering building adjacent to 44 S. Almaden Ave. (the Berger Building) and across the street from the Sunol Building. Other historic resources can be seen from the project site. Potential impacts to each of the five historic resources in the project area need to be considered. Because the proposed building is slated to be constructed on a parking lot, no historic resource will be demolished, destroyed or relocated as a result of the project. Potential impacts, then, if there are any, would result from the project's alteration of the immediate surroundings of the identified historic resources and construction related activities.

The proposed building is composed of a mixed use residential and commercial 21-story tower. In addition to the two levels of underground parking, three level of parking are above ground. The residential units feature private patios and range in size from studio spaces to three bedrooms. Housed on the 4th floor are common areas. The main entry to the building is off of Post Street. The drawings indicate commercial space and parking at ground level with two levels of parking above. The southern elevation of the proposed building abuts the north elevation of the Berger Building.

In assessing these potential impacts, it is important to keep in mind that the historic resources in the project area have been identified as individual resources and not as buildings contributing to a historic district. Questions of how the project impacts the architectural or spatial relationship between the identified resources, then, are irrelevant. Instead, only the project's impact on individual resources need be considered.

The original setting in the immediate area of the proposed development and the historic resources has been altered over time. This area has increased in density, particularly in regards to commercial high-rise buildings, pedestrian and automobile traffic. The 1985 Market-Post Tower, 160 West Santa Clara Street, One South Market (under construction) and other developments within one to two blocks have greatly urbanized and changed the character of this part of downtown San Jose.

The method for determining whether new construction relating to historic properties will result in adverse impacts is application of the *Secretary of the Interior's Standards for Rehabilitation*. In particular, the Standards call for "new additions, exterior alterations, or related new construction [to] be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." Integrity includes seven aspects: location, design, setting, materials, workmanship, feeling and association.

In addition, the City of San Jose Downtown Historic Resources Design Guidelines provides direction for addressing historic landmarks and historic districts and augments the *Secretary of the Interior's Standards for Rehabilitation* by providing additional details for consideration. The Downtown Historic Resources Design Guidelines has eight context elements for new construction adjacent to historic resources; two are most relevant here.

Massing. *Retain and Respect the massing of historic buildings on a street. Respect the overall heights of historic buildings, street walls, districts and areas. Add significantly higher new buildings, where appropriate, that are carefully sited in relationship to historic structures and predominant street "walls." Building masses should not dwarf immediately adjacent historic buildings. Add new infill construction that respects the massing and detailing of historic buildings on the street. New building masses adjacent to*

lower historic resources should step down in height and street facades should turn the corner to provide articulated visible side facades in order to reduce the impact on historic buildings.

Exterior Materials. Add new building materials that match the historic materials of masonry, terra cotta, limestone, stucco, glass mosaic, cast stone, concrete, metal, glass and wood (trim, finishes and ornament only) where possible. New materials should be compatible with historic materials in scale, proportion, design, color, finish, texture and durability.

Impact 1. If the evaluation of the design compatibility, massing and exterior materials of the proposed project is limited solely to this new development, the impacts would be significant and adverse. The height, massing and scale of the proposed development are far greater than the surrounding properties identified in the HRI and the Greyhound Bus Station. It is likely the new high-rise would have a design that is currently in vogue and make use of extensive glazing with metal or concrete (the specific materials are not noted on the drawings). The use of these materials is quite different than the textured stucco, brick and glazed concrete block of the surround historic resources.

However, if the context and cumulative effects of previous developments are taken into consideration, certain aspects of the integrity of the surrounding historic and potential historic resources have already been compromised. Although the proposed development would add to the previous loss of setting and feeling, this loss has already occurred.

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its relationship to surrounding features and open space. With urban development of the neighborhood with high-rises, the historic resources listed in the HRI and the Greyhound Bus Station have previously lost the character of the physical environment in which they played their historical roles.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. Feeling is the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time and an awareness of its historical importance. As with setting, the historic resources' ability to evoke a historic sense of the past has previously been compromised.

There are, as previously identified, seven aspects of integrity. Of the seven, two, setting and feeling, have already been compromised as a result of prior construction projects. The proposed project would add to the loss of these two aspects, but with the loss already recognized, the additional impact to an existing cumulative impact would be moot.

The historic resources listed in the HRI and the Greyhound Bus Station would continue to retain integrity of location, design, materials and workmanship. For a project to cause a substantial adverse change in the significance of these historic resources, it must demolish or materially alter in an adverse manner those physical characteristics that convey the resources' historic significance and accounts for their identification as San Jose Structures of Merit, City Landmark Structures or Candidate City Landmarks. Through retention of those aspects of integrity that convey their historic significance, these five properties would continue to be listed

in San Jose Historic Resources Inventory. Therefore, the proposed project would have a **less-than-significant** impact on the historic resources.

Construction-related Impacts

Impact 2. The proposed project would require below-grade excavation and foundation work, new building framing and perhaps pile driving. This may produce ground borne vibrations from construction that would result in potentially significant adverse impacts from construction to several historic or potential historic resources in the immediate vicinity of the project site, including: the Berger Building, the Sunol Building, the Hatman & Normandin Block and the Greyhound Bus Station, all of which are within 200 feet of the construction site.

Mitigation Measure 2a. A registered structural engineer, with a minimum of five years of experience in the rehabilitation and restoration of historic buildings, shall review excavation and shoring plans prepared for the proposed development. The structural engineer shall prepare a report of findings, recommendations and any related design modifications necessary to retain the structural integrity of the Berger Building. The structural engineer will consult with a historical architect. The historical architect must have a minimum of five years of experience in the rehabilitation and restoration of historic buildings, as well as meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualifications Standards. The historical architect shall review designs and specifications for protective barriers required to protect the exposed Berger Building walls from potential damage caused by construction activities. In addition, the structural engineer (with geotechnical consultation as necessary) shall determine whether, due to the nature of the excavations, soils, method of soil removal, and the existing foundation of the Berger Building, the potential for settlement would require underpinning and/or shoring. If underpinning and/or shoring is determined to be necessary, appropriate designs shall be prepared. All documents prepared in accordance with this Measure shall be reviewed and approved by the City of San Jose's Historic Preservation Officer, or equivalent.

Mitigation Measure 2b. Prior to the start of the project, a historical architect and a structural engineer shall undertake an existing condition study of the Berger Building. If pile-driving will be used, the Sunol Building, the Hatman & Normandin Block and the Greyhound Station will also be surveyed for existing conditions. The purpose of the study would be to establish the baseline condition of the buildings prior to construction, including the location and extent of any visible cracks or spalls. The documentation shall take the form of written descriptions and photographs, and shall include those physical characteristics of the resources that convey their historic significance and that justify their inclusion on, or eligibility for inclusion on, the California Register of Historical Resources and local register. The documentation shall be reviewed and approved by the City of San Jose's Historic Preservation Officer, or equivalent.

The historical architect and structural engineer shall monitor the Berger Building during construction. If pile-driving will be used, the Sunol Building, the Hatman & Normandin Block and the Greyhound Station will also be monitored during construction and any changes to existing conditions will be reported, including, but not limited to, expansion of existing cracks, new spalls, or other exterior deterioration. Monitoring reports shall be submitted to the City's historic preservation officer, or equivalent on a periodic basis. The structural engineer shall consult with the historical architect, especially if any problems with character defining features of a historic resource are discovered. If in the opinion of the structural engineer, in consultation

with the historical architect, substantial adverse impacts to historic resources related to construction activities are found during construction, the monitoring team shall so inform the project sponsor, or sponsor's designated representative responsible for construction activities, as well as the city's historic preservation officer, or equivalent. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The historic preservation officer, or equivalent, shall establish the frequency of monitoring and reporting.

Site visit reports and documents associated with claims processing shall be provided to the City of San Jose's Historic Preservation Officer, or equivalent.

Mitigation Measure 2c. A qualified geologist, or other professional with expertise in ground vibration and its effect on existing structures, shall prepare a study of the potential of vibrations caused by excavation and construction activities associated with the proposed project. Based on the results of the study, specifications regarding the restriction and monitoring of pile-driving shall be incorporated into the contract. Initial pile-driving shall be monitored and if vibrations are above threshold levels, modifications shall be made to reduce vibrations to below established levels. A copy of the study, contract specifications, and monitoring reports shall be provided to the City of San Jose's Historic Preservation Officer, or equivalent.

Mitigation Measure 2d. The historical architect shall establish a training program for construction workers involved in the project that emphasizes the importance of protecting historic resources. This program shall include information on recognizing historic fabric and materials, and directions on how to exercise care when working around and operating equipment near the historic structures, including storage of materials away from historic buildings. It shall also include information on means to reduce vibrations from construction, and monitoring and reporting any potential problems that could affect the historic resources in the area. A provision for establishing this training program shall be incorporated into the contract, and the contract provisions shall be reviewed and approved by the City of San Jose's Historic Preservation Officer, or equivalent.

With implementation of Measures 2a through 2d, the potential for project construction-related impacts to identified historic resources would be reduced to **less-than-significant**.

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